

HAMPTON PLANNING BOARD – MINUTES

April 28, 2004

PRESENT: Robert Viviano, Chairman
Tracy Emerick, Vice Chairman
Ken Sakurai, Clerk
Tom Gillick
Tom Higgins
Keith Lessard
Jim Workman, Selectman Member
Jennifer Kimball, Town Planner

Mr. Viviano called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Viviano then asked Mr. Lessard to lead the Pledge of Allegiance.

I. NEW PUBLIC HEARINGS:

The Hampton Planning Board will hold a Public Hearing on Wednesday, April 28 at 7:00 PM in the Town Office Meeting Room, 100 Winnacunnet Road, to adopt "Methodology for the Assessment of Public School Impact Fees," as prepared by Bruce C. Mayberry in May 2003 and updated in March 2004. Adoption of the Impact Fee Methodology, which includes a fee assessment schedule, is in accordance with the Town of Hampton Impact Fee Ordinance Section 4.3 (2003). The Board will be considering the "per unit" impact fee as outlined in Mr. Mayberry's report.

Mr. Viviano asked for an outline of the Impact Fee Methodology from Mr. Bruce Mayberry, Planning Consultant from Yarmouth, ME. Mr. Mayberry introduced himself and proceeded to explain what impact fees are. An impact fee is an assessment imposed on new development to offset the proportionate impact on public capital facilities. The impact fee is assessed on new construction/development only, not existing structures. While only assessed for a share of capital costs, it is not to offset operating expenses of the municipality. The fees can be assessed in anticipating future capital expenditures and reimbursed to the community for past investment(s).

The fees were originally authorized by State Legislature in 1991. Currently there are approximately 59 New Hampshire communities that are utilizing this ordinance (equal to 26% of cities and towns in the State which represent 56% of the States population). In Hampton, the Impact Fee Ordinance was adopted in March of 2002. Mr. Mayberry stated the statistics on the State of New Hampshire web site would clarify more specifics regarding other communities that have ordinances and/or adopted fees.

The School Impact Fee Methodology establishes a rational method of a proportionate impact of new, residential development on School Facilities. There is a waiver provision where a Senior Housing Development is lawfully restricted to Seniors and would not be assessed the School Impact Fee.

The basics of the Impact Fee formula are to charge on a "per dwelling unit" basis for developments that has various enrollment characteristics. The fees are based on public enrollment per housing unit, by unit type, the amount of square feet/floor area of a typical school needed on a per pupil basis, less State building aid for capital facilities, plus local capital costs. There are adjusted credit allowances for taxes paid for existing facilities. The end result is a schedule of fees; this the standard dollar amount charged for each unit of development depending on the type of structure. The fees can be split into two accounts: one for the local Hampton School District, and the other for the Winnacunnet Cooperative District.

Mr. Viviano asked for Board comments. Mrs. Kimball clarified Mr. Emericks' question, there are two types of methodology reports and the Town will be using the "per dwelling unit" (not additional bedrooms). Mr. Higgins questioned the credit for taxes paid statement. Mr. Mayberry stated there is a formula in the report regarding vacant sites that have contributed in the past and there may be some amount of the fee that can be reduced.

Mrs. Kimball stated this would be part of the initial calculation, no waiver request is used for this. Mr. Gillick stated that Mr. Mayberry is an acknowledged expert in the State of New Hampshire, and all of New England, on this subject. He is highly respected throughout the state and Mr. Gillick is pleased we were able to have him working for the Town.

Mrs. Kimball stated she has been working with Town Manager James Barrington, Finance Director Dawna Duhamel, and Building Inspector Kevin Schultz to devise a procedure to implement and access the impact fees. Available to the public, and in the Boards packets were three items: #1) Town of Hampton Impact Fee Calculation Form, one page to be filled out at the time one applies for a new home building permit. This form has the fee calculations that will help Mr. Schultz and Mrs. Kimball to calculate the fees and then forward to Ms. Duhamel. Mrs. Kimball noted there is a waiver provision in our ordinance that is to be granted by the Planning Board. At the bottom of this form there are two options that allow the applicant to denote whether they are, or are not, requesting a waiver from the fees; #2) Waiver Request Form to be used in a similar fashion as a Planning Board Application and section #3 offers what criteria suggests the project would be eligible for that waiver, no project needs to meet all six criteria, but must meet at least one; #3) Executive Summary and Frequently Asked Questions which explains generally what an impact fee is, where the methodology came from, and what the fees are, along with frequently asked questions. Mrs. Kimball noted on page two under 'Did the Town adopt this fee because of the Winnacunnet addition?' last sentence, as suggested by Mr. Mayberry to change the wording to: *'It is important to note that the portion of impact fees collected for Winnacunnet School Facilities will be applied solely for the facility capital costs that are assessed to the Town of Hampton'*. Mrs. Kimball explained that this clarifies we are not subsidizing any of the other communities' payments – only paying for Hamptons' share.

There was considerable Board discussion regarding definition of criteria for the waiver requests. Mr. Gillick stated the SB414 bill has been before the House and is now in the Senate for approval where the impact fees are charged to those that are in place at the time of approval. Mrs. Kimball stated that the Impact Fees would have to specifically comply with RSA 674:39 which is proposed to be amended. Mrs. Kimball stated she would further study the State Law to insure that the Impact Fee will be implemented properly. Mr. Emerick questioned when the fees would be due. Mrs. Kimball stated the fees are due at issuance of a building permit. Mrs. Kimball clarified Mr. Sakurai question regarding the specific need for impact fees, being; they are being implemented to new development will pay its fare share for improvements to schools that would accommodate anticipated growth.

OPEN PUBLIC HEARING:

Ms. Elizabeth Webb of 11 Windmill Lane introduced herself. Ms. Webb stated the Impact Fees were passed in March of 2002 and revised in 2003 and is concerned implementation has taken too long. Ms. Webb suggested the Board considers when a waiver towards Senior housing is granted, be cautious that there are cases where children are allowed into that housing and should be counted towards the Impact Fee. Ms. Webb stated her concerns of Mr. Mayberry offering to do two additional parts to the methodology and was turned down by the Town. Ms. Webb recommended the Board attempts at least a once a year review of the methodology and make changes accordingly.

CLOSE PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. Mrs. Kimball recommended approving the 'per dwelling unit' entire report and stated the next steps would be to forward to the Town Clerk, at that time the valid rules and regulations would be in effect. Mr. Higgins suggested adopting to a date certain (June 1, 2004). Mrs. Kimball suggested the Town Departments discussed a date certain previously, and agreed this would not be an effective measure. Town Departments agreed to adopt and implement immediately and move along with the process. Mr. Gillick **MOTIONED** to adopt and implement the Town of Hamptons Methodology for the Assessment of Public Schools Impact Fees, updated March 2004, as prepared by Bruce C. Mayberry, Planning Consultant, as well as the Town of Hampton Impact Fee Calculation Form, the Town of Hampton School Impact Fee Waiver Request Form, and the Executive Summary and Frequently Asked questions.

Mr. Emerick **SECONDED. VOTE: 5 = YES / 1 = OPPOSED** (Mr. Higgins). **MOTION PASSES IN THE AFFIRMATIVE.**

II. NEW BUSINESS:

Review and amendment of the Hampton Planning Board's Rules of Procedure

Mrs. Kimball recommended changes to the Hampton Planning Board Rules of Procedure (adopted on April 3, 2002). There was considerable Board discussion regarding setting of time limits for the Open Public Hearing portion of the New Public Hearings. After lengthy discussion, the Board did agree to amend certain portions of the Rules of Procedure as follows:

SECTION IV - MEETINGS

1. Regular meetings shall be held at least monthly in the Selectmen's meeting room of the Hampton Town Offices at 7:00 PM on the first Wednesday of each month. A work session meeting shall be held on the third Wednesday of each month if the Board deems it necessary. The Board may also continue public hearings or hear new public hearings on the meeting held on the third Wednesday, provided proper notice is given in accordance with RSA 91-A:2 and 676:4. Additional meetings or changes to the regular schedule shall be allowed by a vote of the Board, provided proper notice is given in accordance with RSA 91-A:2.

7. Any item that has not been called into the record by the Board prior to 10:00 PM shall be continued to the next regularly scheduled meeting. By majority vote, the Board may hold an additional meeting in order to accommodate its schedule, if it deems necessary. By majority vote, the Board may waive the 10:00 PM restriction. If the Board determines that its agenda is overly extensive, it may vote at the beginning of the meeting to reschedule certain items to another date and time. All changes to the agenda shall include proper notice in accordance with RSA 91-A:2 and 676:4.

SECTION VI – PUBLIC HEARING PROCEDURES

1. The conduct of Public Hearings shall be governed by the following rules:
 - a. The Chairperson shall call the hearing to order and instruct the Clerk to read the ~~Abutters'~~² Notice Agenda Item.
 - d. After all questions from the Board have been answered, the Chairperson shall open the public hearing. The Chairperson shall first ~~read into~~ acknowledge for the record any correspondence received regarding the proposal, then ask for questions or comments regarding the proposal from members of the public present at the meeting. Each person shall state his or her name and address for the record. All questions shall be directed through the Chairperson. By majority vote of the Board, the Board may limit each member of the public to a specific time allotment. The vote shall be taken prior to the opening of the public hearing, and shall be binding for all persons from the public wishing to speak.
 - g. Once a public hearing is closed, a majority vote of the Board may reopen the hearing.

SECTION VII – DECISIONS

2. The Board shall provide written notice of the decision within ~~seventy-two (72)~~ one hundred forty four (144) hours after the decision is made, as required by RSA 676:3. The decision shall be sent to the applicant or agent, and be available for public inspection in the Planning Office.

Mr. Workman **MOTIONED** to accept the Hampton Planning Board Rules of Procedure (adopted on April 3, 2002) as amended. Mr. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

III. CORRESPONDENCE:

- 1) WCV, Inc.
K Street Project

Mrs. Kimball read a memo from Mr. John Hangen, Director of Public Works dated April 21, 2004 recommending a surety be set in the amount of \$30,000.00 for the extension of drainage in reference to this project. Mr. Lessard **MOTIONED** that surety be secured in the amount of \$30,000.00, at the recommendation of Mr. John Hangen, Director of Public Works, for the extension of drainage in reference to the WCV, Inc. application. Mr. Emerick **SECONDED**. **VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

- 2) John Lovetere
Lot Line Adjustment
382 Exeter Road
Map 51, Lots 7 & 8

Mrs. Kimball read a memo from Mr. Peter Saari, Esquire of Casassa & Ryan dated April 22, 2004 requesting an extension to the previously approved, conditional application. Mr. Lessard **MOTIONED** to grant a one-year extension, at the applicants' request, for the John Lovetere, Lot Line Adjustment, conditionally approved application to May 21, 2005. Mr. Sakurai **SECONDED**. **VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. OTHER BUSINESS:

- 1) Mrs. Kimball provided copies of the May 5 & 19 upcoming agendas for the Board to review. She suggested to move Roman Numeral 4 'Attending to be Heard' to Roman Numeral 1 position on the May 5, 2004 agenda so the parties attending would not be held up and most likely not get heard because of the amount of applications that evening. Mr. Higgins **MOTIONED** to move Roman Numeral 4 'Attending to be Heard' to Roman Numeral 1 position on the May 5, 2004 agenda. Mr. Gillick **SECONDED**. **VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**
- 2) There was additional Board discussion about setting a time limit for public hearings at the May meetings. It was Board consensus to decide on the meeting night whether to implement the time limit. Additionally, the meeting room will be blocked for May 26, 2004 should the need arise to continue applications.
- 3) Mrs. Kimball reminded the Board of the open position on the Rockingham Planning Commission and noted she has discussed with Mr. Fran McMahon the Board's consideration that he might fill this seat. Mrs. Kimball stated Mr. McMahon agreed to volunteer his services to the RPC on behalf of the Hampton Planning Board. Mr. Lessard **MOTIONED** to recommend to the Board of Selectman, the appointment to Mr. Fran McMahon, 4 Ash Street, to the Rockingham Planning Commission. Mr. Emerick **SECONDED**. **VOTE: 5 = YES / 1 = ABSTAIN (Mr. Workman).** **MOTION PASSES IN THE AFFIRMATIVE.**

Mr. Workman **MOTIONED** to adjourn. Mr. Emerick **SECONDED**. **VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 8:29 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary